

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RECEIVED  
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OCT -7 AM 10:23

Kervin Jeanty

Write the full name of each plaintiff.

CV  
(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☐ Yes ☐ No

Blue Rhino, Tod Brown, FerrellGas Inc, James  
Ferrell, "John doe(deJan)"

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

## EMPLOYMENT DISCRIMINATION COMPLAINT

### NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Kervin</u>	<u>R</u>	<u>Jeanty</u>
First Name	Middle Initial	Last Name
<u>11 Kentucky Dr</u>		
Street Address		
<u>Orange, Newburgh</u>	<u>New York</u>	<u>12550</u>
County, City	State	Zip Code
<u>845-522-6147</u>	<u>Kervin.Jeanty@yahoo.com</u>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	<u>Blue rhino</u>		
	Name		
	<u>5650 University Parkway, Suite 400</u>		
	Address where defendant may be served		
	<u>Forsyth, Winston-Salem</u>	<u>NC</u>	<u>27105</u>
	County, City	State	Zip Code
Defendant 2:	<u>Tod Brown</u>		
	Name		
	<u>5650 University Parkway, Suite 400</u>		
	Address where defendant may be served		
	<u>Forsyth, Winston-Salem</u>	<u>NC</u>	<u>27105</u>
	County, City	State	Zip Code

Defendant 3:

FerrellGas INC  
 Name  
7500 College Boulevard, suite 1000  
 Address where defendant may be served  
Johnson, Overland Park KS 66210  
 County, City State Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:

SS Ruscitti RD, New Windsor, NY, Blue Rhino/FerrellGas  
 Name  
SS Ruscitti RD, New  
 Address  
Orange, New Windsor NY 12553  
 County, City State Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin**

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:Hispanic / African American☒ color:Black☐ religion:☐ sex:☒ national origin:Haitian

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: African American, Hispanic

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: \_\_\_\_\_

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

## B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law): \_\_\_\_\_

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☐ harassed me or created a hostile work environment
- ☐ other (specify): \_\_\_\_\_

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

I was Denied a Sign on Bonus by Stats,  
and I was terminated after another employee  
was hired. I was the only Black employee.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

## V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☐ Yes (Please attach a copy of the charge to this complaint.)

☒ No When did you file your charge? \_\_\_\_\_

Have you received a Notice of Right to Sue from the EEOC?

☐ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? \_\_\_\_\_

☒ No When did you receive the Notice? \_\_\_\_\_

## VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

Pay me my Sign on Bonus along with  
Punitive Damages

**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

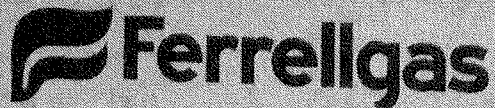
10/7/21  
 Dated  
Kevin R  
 First Name Middle Initial  
11 Kentucky Dr  
 Street Address  
Orange, Newburgh NY  
 County, City State  
845-522-6147  
 Telephone Number  
[Signature]  
 Plaintiff's Signature  
Jeanty  
 Last Name  
12930  
 Zip Code  
Kevin.Jeanty@yahoo.com  
 Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.





February 21, 2019

Kervin Jeanty  
11 Kentucky Dr  
Newburgh NY 12550

Dear Kervin:

Thank you for your interest in joining Ferrellgas! We are pleased to offer you the Seasonal position of Driver Tank Exchange with a start date of March 4, 2019.

As we agreed, the hours and/or days you are scheduled to work will vary according to business need. Therefore, this is not a full-time position. You will be compensated at a rate of \$24.00 per hour to be paid weekly and will be eligible for overtime compensation at a rate of 1.5 times your hourly rate. You are eligible to participate in the Ferrellgas Incentive plan as outlined in the program documents.

Seasonal employment will end during the month of October (or earlier at the discretion of you or Ferrellgas). Following the end of your seasonal employment, you may be eligible for consideration as a full time employee, however, there is no guarantee you will become a full time employee, and consideration for whether you are offered a full time position will be based on job performance, availability, reliability and current Ferrellgas staffing needs, among other job-related factors.

Employment is contingent upon all of the following:

- Your acceptance of this offer via your signature below.
- Your signature to an employee agreement (to be provided).
- Your signature to an invention agreement (to be provided).
- Negative drug screen results (test to be arranged before you start the position).
- Successfully pass a background review (will be conducted before you start the position).
- Successfully pass a post offer physical ability test (will be conducted before you start the position).

In certain instances, you may be allowed to start work before the results of your background review have been received. Should that occur, your continued employment by Ferrellgas will remain contingent on successfully passing the background review.

Please acknowledge your acceptance of this offer by signing and returning this letter to Eric Totten by February 23, 2019. An additional copy is enclosed for your records. All terms and conditions of this offer are strictly confidential. Should you have questions, please contact me at 845 416 5275.

I look forward to working with you and anticipate that you will provide significant contributions to Ferrellgas!

Sincerely,  
District Manager  
EricTotten

Enclosures

I accept Ferrellgas' offer of employment as presented in this correspondence. I understand and agree that my employment with the company is entered into voluntarily and that I may resign at any time. Similarly, my employment may be terminated for any reason and at any time without previous notice.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Copy to: Personnel file

One Liberty Plaza

Liberty, MO 64068

816-792-1600





Sign in



### This job has expired on Indeed

Reasons could include: the employer is not accepting applications, is not actively hiring, or is reviewing applications

## Seasonal CDL Class A/B Driver HAZMAT / Tank With \$2000 Sign On Bonus

Blue Rhino / Ferrellgas  
New Windsor, NY 12553  
Temporary

### Job details

#### Job Type

Temporary

#### Number of hires for this role

5 to 10

### Qualifications

#### Experience:

- Forklift Operator, 1 year (Required)

#### Education:

- High school or equivalent (Required)

#### Location:

- New Windsor, NY (Required)

### Full Job Description

Seasonal CDL Class A Driver Needed HAZMAT / Tank endorsement Required With Sign On Bonus

Blue Rhino- New Windsor, NY

Join the #1 distributor of propane tank exchange

Blue Rhino hires the best class A Drivers in the industry. As a member of our team, you will pick up and deliver propane cylinders to retail customers and maintain the appearance of our displays and signs; ensure propane placement meets National Fire Protection Agency (NFPA) and company guidelines.

Earn a competitive hourly salary, plus a \$2000.00 Sign On Bonus

Enjoy a flexible 5- 6 day work week/weekends and holidays work Schedule. Come join the herd... You'll be glad you did.

#### Requirement

- Valid Class A license with HAZMAT / Tank endorsement Required
- Must be a high school graduate or equivalent
- Must have a clean driving record
- Previous driving experience preferred
- Physical ability to lift 40lbs. in each hand repeatedly throughout the day, in all weather conditions hot, cold, rain or snow
- Ability to work 10-14 hours per day on a regular basis
- Passing a background, drug screen and physical abilities test

EEO Employer- Minorities/Females/Vets/ Disabled

Interested candidates please respond with resume. Qualified candidates will be contacted for an interview

Job Type- Seasonal

Required Education;

High School or equivalent

Required experience:

Driver: 1 year

Required license or certification

Job Type: Temporary

Salary: \$0.00 /week

Experience:

- Forklift Operator: 1 year (Required)

Education:

- High school or equivalent (Required)

Location:

- New Windsor, NY (Required)

Additional Compensation:

- Bonuses

Trucking freight handling:

blue rhino

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Settings

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- Starred
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- Archive
- Spam
- Trash
- ^ Less
- Views
- Hide
- Photos

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Subscriptions

Deals

Groceries

Receipts

Travel
- Folders
- Hide
- New Folder

Drafts

Junk

Outbox

tree

 **indeed**  
www.indeed.com

Visit site

Indeed Application: Full Time CDL Class A Driver HAZMAT / Tank


Yahoo/Inbox

 **Indeed Apply** <indeedapply@indeed.com>  
**To:** kervin.jeanty@yahoo.com

Wed, Feb 13, 2019 at 12:42 AM



You submitted an application for:

 **Full Time CDL Class A Driver HAZMAT / Tank**  
Blue Rhino / Ferrellgas - New Windsor, NY

Submitted

Follow

Get job updates from **Blue Rhino / Ferrellgas**

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CDL A or B Driver Operator  
ACV ENVIRO - Newburgh, NY

Commercial Truck Parts Specialist  
Arkel Motors & Ideal Lease- International Dealership - New Windsor, NY

CDL Drivers - Environmental Response Company  
ENVIRONMENTAL PRODUCTS & SERVICES OF VERMONT, INC. - New Windsor, NY

The following items have been submitted. Good luck!

- Application
- Resume

Earn a competitive hourly salary, plus a \$2000.00 Sign On Bonus

Enjoy a flexible 5- 6 day work week/weekends and holidays work Schedule. Come join the herd... You'll be glad you did.

#### Requirement

- Valid Class A license with HAZMAT / Tank endorsement Required
- Must be a high school graduate or equivalent
- Must have a clean driving record
- Previous driving experience preferred
- Physical ability to lift 40lbs. in each hand repeatedly throughout the day, in all weather conditions hot, cold, rain or snow
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Job Type- Seasonal

Required Education;

High School or equivalent

Required experience:

Driver: 1 year

Required license or certification

Job Type: Temporary

Salary: \$0.00 /week

Experience:

- Forklift Operator: 1 year (Required)

Education:

- High school or equivalent (Required)

Location:

- New Windsor, NY (Required)

Additional Compensation:

- Bonuses

Trucking freight handling:



KPRIN JEANT  
11 Kentucky Dr  
Wauburn MA

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SDNY PRO SE OFFICE

2021 OCT -7 AM 10:23

US  
SDNY

SDNY  
PRO SE TAKE ON  
\$500 PER 15  
NY NY 10007